

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : BORGERDING et al.) I hereby certify that this paper (and/or
U.S. Serial No. : 10/748,884) fee) is being electronically deposited
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Title : "Water Runoff Deflector) Trademark Office
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)
Art Unit : 3635) /Keith R. Jarosik/
Examiner : William V. Gilbert) Keith R. Jarosik
) Registration No. 47,683

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO THE OFFICE ACTION OF JULY 11, 2006

Dear Sir:

In response to the Office action dated July 11, 2006, please enter the following amendments and consider the following remarks. This response is timely filed as it is accompanied by a Petition for a one-month Extension of Time and requisite fee, extending the response deadline to November 11, 2006.

The Status of the Claims is reflected in the listing of claims that begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

The Status of the Claims

1. (currently amended) A deflector for deflecting runoff on an upper surface of a vehicle parked at a loading dock that is adjacent to a building wall, the deflector comprising:
 - a frame attachable to the building wall;
 - a seal in front of the building wall and being vertically and horizontally movable to engage the upper surface of the vehicle;
 - a front bumper in front of the seal to help protect the seal from vehicular impact and to help lift the seal onto the vehicle, wherein the front bumper comprises a first panel and a second panel that are movable relative to each other; and
 - a hanger that suspends the seal from the frame, wherein the hanger comprises a pliable panel.
2. (original) The deflector of claim 1, wherein hanger limits the seal from continual rotation about itself.
3. (original)The deflector of claim 1, wherein the pliable panel extends around the seal.
4. (canceled).

5. (currently amended) The deflector of claim 1 [[4]], wherein the first panel is more flexible than the second panel.

6. (currently amended) The deflector of claim 1 [[4]], wherein the front bumper comprises a third panel that is movable relative to the first panel and the second panel.

7. (original) The deflector of claim 1, wherein the front bumper can yield more readily in a forward direction away from the building wall than in a rearward direction toward the building wall when the deflector is attached to the building wall.

8. (withdrawn) The deflector of claim 1, wherein the front bumper includes a curved distal edge that helps prevent the vehicle from damaging the deflector as the vehicle departs the loading dock.

9. (currently amended) A deflector for deflecting runoff on an upper surface of a vehicle parked at a loading dock that is adjacent to a building wall, the deflector comprising:

a frame attachable to the building wall such that the frame can pivot relative thereto;

a seal in front of the building wall and being vertically and horizontally movable to engage the upper surface of the vehicle;

a hanger that suspends the seal from the frame;

a flexible member engaging the frame and held in tension to limit downward pivotal movement of the frame; and

a front bumper suspended by the frame in front of the seal to help protect the seal from vehicular impact and to help lift the seal onto the vehicle, wherein the front bumper comprises a first panel and a second panel that are movable relative to each other.

10. (original) The deflector of claim 9, wherein the flexible member is a pliable sheet that overlays the frame, whereby the pliable sheet and the frame provide a canopy.

11. (original) The deflector of claim 9, further comprising a pliable panel that suspends the seal from the frame.

12. (canceled).

13. (canceled).

14. (currently amended) The deflector of claim 9 ~~13~~, wherein the first panel is more flexible than the second panel.

15. (currently amended) The deflector of claim 9 ~~12~~, wherein the front bumper can yield more readily in a forward direction away from the building wall than in a rearward direction toward the building wall when the deflector is attached to the building wall.

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16. (currently amended) A deflector for deflecting runoff on an upper surface of a vehicle parked at a loading dock that is adjacent to a building wall, the deflector comprising:

a frame attachable to the building wall;

a seal in front of the building wall and being vertically and horizontally movable to engage the upper surface of the vehicle;

a front bumper in front of the seal to help protect the seal from vehicular impact and to help lift the seal onto the vehicle, wherein the front bumper comprises a first panel and a second panel that are movable relative to each other; and

a flexible hanger that suspends the seal from the frame, wherein the hanger limits the seal from continual rotation about itself.

17. (canceled).

18. (currently amended) The deflector of claim 16 ~~17~~, wherein the first panel is more flexible than the second panel.

19. (currently amended) The deflector of claim 16 ~~17~~, wherein the front bumper comprises a third panel that is movable relative to the first panel and the second panel.

20. (original) The deflector of claim 16, wherein the front bumper can yield more readily in one direction than in an opposite direction.

21. (withdrawn) The deflector of claim 16, wherein the front bumper includes a curved distal edge that helps prevent the vehicle from damaging the deflector as the vehicle departs the loading dock.

22. (withdrawn) A deflector for deflecting runoff on an upper surface of a vehicle parked at a loading dock that is adjacent to a building wall, the deflector comprising:
 - a frame attachable to the building wall;
 - a seal in front of the building wall and being vertically and horizontally movable to place a peripheral surface of the seal in sealing contact with the upper surface of the vehicle;
 - a front bumper in front of the seal to help protect the seal from vehicular impact and to help lift the seal onto the vehicle;
 - a back bumper in back of the front bumper to act as a load bearing surface against which the front bumper can push as the vehicle enters the loading dock; and
 - a hanger that suspends the seal, the front bumper, and the back bumper from the frame such that the seal extends appreciably farther forward than the back bumper when the frame is attached to the building wall.

23. (withdrawn) The deflector of claim 22, wherein the back bumper is more rigidly attached than is the front bumper.

24. (withdrawn) The deflector of claim 22, wherein the hanger comprises a pliable panel.

25. (withdrawn) The deflector of claim 24, wherein the pliable panel extends around the seal.

26. (withdrawn) The deflector of claim 22, wherein the front bumper comprises a first panel and a second panel that are movable relative to each other.

27. (withdrawn) The deflector of claim 26, wherein the first panel is more flexible than the second panel.

28. (withdrawn) The deflector of claim 26, wherein the front bumper comprises a third panel that is movable relative to the first panel and the second panel.

29. (withdrawn) The deflector of claim 22, wherein the front bumper can yield more readily in a forward direction away from the building wall than in a rearward direction toward the building wall when the deflector is attached to the building wall.

30. (withdrawn) The deflector of claim 22, wherein the hanger defines a pivotal axis about which the seal is able to rotate, and wherein two converging imaginary planes extend tangentially from the peripheral surface of the seal to the pivotal axis such that the peripheral surface and the two converging imaginary lines define a region in which the back bumper is fully contained.

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31. (new) A deflector for deflecting runoff on an upper surface of a vehicle parked at a loading dock that is adjacent to a building wall, the deflector comprising:
- a frame attachable to the building wall;
 - a seal suspended from the frame in front of the building wall and being vertically and horizontally movable to engage the upper surface of the vehicle; and
 - a front bumper in front of the seal and comprising a first panel and a second panel that are movable relative to each other.
32. (new) The deflector of claim 31, further comprising a means for biasing the seal downward, said means causing the seal to compress against the upper surface of the vehicle.
33. (new) The deflector of claim 32, wherein the natural weight of the first sealing member provides the means for biasing the seal downward.
34. (new) The deflector of claim 32, wherein an independent weight coupled to the first sealing member provides the means for biasing the seal downward.
35. (new) The deflector of claim 34, wherein the independent weight is a pipe embedded in the seal.

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36. (new) A deflector for deflecting runoff on an upper surface of a vehicle parked in a vicinity of a loading dock, the deflector comprising:

a seal positioned to interact with the vehicle in the vicinity loading dock such that the seal is vertically and horizontally movable to engage the upper surface of the vehicle; and

a front bumper in front of the seal to help protect the seal from vehicular impact, wherein the front bumper comprises a first panel and a second panel that are movable relative to each other.

REMARKS

Claims 1-7, 9-20, and 31-36 are pending and at issue in the above identified patent application, with claims 8 and 21-30 withdrawn as directed to a non-elected species, and claims 31-36 added herein. Of the claims currently at issue, 1, 9, 16, 31, and 36 are independent claims. Claims 9-11 stand rejected as anticipated by Rieder et al. (USPN 3,322,132, hereinafter “Rieder”), whereas claims 1-3, 7, 12, 16, and 20 stand rejected as obvious in view of Rieder and Hoffmann et al. (US Pub. No. 2001/0004814, hereinafter “Hoffmann”). The applicants note with appreciation that dependent claims 4-6, 13, 14, and 17-19 were identified as allowable if rewritten in independent form to include all of the limitations of the base claim.

As detailed in the above listing of the claims, independent claim 1 has been amended to include the limitations of allowable dependent claim 4, independent claim 9 has been amended to include the limitations of allowable dependent claim 13, and independent claim 16 has been amended to include the limitations of allowable dependent claim 17. Accordingly, claims 1-3, 5-7, 9-12, 14-16, and 18-20 are in a condition for allowance.

Of new claims 31-36, only claims 31 and 36 are independent claims, both of which include the recitation of “the front bumper comprises a first panel and a second panel that are movable relative to each other.” This recitation was present in all of the claims previously identified as allowable, suggesting that the new claims are allowable for at least this reason.

Conclusion

In view of the foregoing claim amendments and remarks, claims 1-3, 5-7, 9-12, 14-16, 18-20, and 31-36 are in condition for allowance. Accordingly, reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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Dated: November 10, 2006

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